

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

W.A. DREW EDMONDSON, in his capacity as)	
ATTORNEY GENERAL OF THE STATE OF)	
OKLAHOMA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-CV-329-TCK-SAJ
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants,)	
)	
TYSON FOODS, INC., et al.,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
CITY OF TAHLEQUAH, et al.,)	
)	
Third-Party Defendants.)	

**SECOND UNOPPOSED MOTION BY MEMBERS OF THE BERRY GROUP
FOR ENLARGEMENT OF TIME TO RESPOND TO THIRD-PARTY COMPLAINT**

Pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.1(g), the Third-Party Defendants who are identified herein, a group of Third-Party Defendants who are being collectively referred to as “The Berry Group,” request that this Court issue an Order granting them an enlargement of time during which they must respond to the Third-Party Complaint (Dkt. #80).

1. This motion is filed on behalf of the following Third-Party Defendants:

<u>3rd Party Def. #</u>	<u>Third-Party Defendant</u>
104	Adair, John W
104	Adair, Virginia W.
62	Arrowhead Camp, Inc.
45	Beaman, Cheryl D.
45	Beaman, Phillip L.
42	Berry, Brian R., individually

42	Berry, Brian R. dba Town Branch Guest Ranch
42	Berry, Mary C., individually
42	Berry, Mary C., dba Town Branch Guest Ranch
47	Brooks, Norma, dba Cookson Village and Cabins
97	Brown, Haskell L.
128	Canada, Linda
128	Canada, Roger K.
84	Caviness, Ladonna Eddings
33	Cherry Springs Golf Club, Inc.
102	Colburn, Gene
102	Colburn, Lorene
154	Conner, Brooks P.
154	Conner, M. Wesley
66	Davis, Billie
66	Davis, Veramin
82	Eddings, Elmo
85	Eddings, Thomas E.
46	Falcon Floats, Inc.
38	Flint Ridge Property Owners Association, Inc.
56	Flintridge Park, LLC
90	Fowler, Ricky
90	Fowler, Tonya
91	Glenn, Billy D.
91	Glenn, Norma
60	Grande Villa, Inc.
113	Guffey, Darrell, dba Seldom Rest Dairy
113	Guffey, Dianna, dba Seldom Rest Dairy
138	Hare, Anthony Wayne, dba Crystal Creek Ranch
135	Hare, Jerry W., Trustee of Jerry Wayne Hare Revocable Trust dba Crystal Creek Ranch
136	Hare, Jerry Wayne, dba Crystal Creek Ranch
136	Hare, Mary Jo, dba Crystal Creek Ranch
137	Hare, Mary Jo, Trustee of Mary Jo Hare Revocable Trust
95	Hix, Carolyn
95	Hix, Danny E.
134	Hix, Ricky Joe
134	Hix, Rita
36	Illinois River Ranch Recreational Vehicle Park Owners Association
117	Illinois River Valley Nursery, Inc.
99	J5 Ranch, LLC
103	John E. and Virginia W. Adair Family Revocable Trust (Trustees of)

Property

53	John T. Posey, Jr. Trust, d/b/a Meadow Park RV Park
123	Jones, Erin
123	Jones, James Thomas
152	Kelly, Mark
152	Kelly, Melissa
87	Kile, Bonnie Eddings
114	Lockwood, Carolyn R.
114	Lockwood, Larry R.
83	Long, Charlene Eddings
15	Maggard, Ancil
125	Mathews, Dale E., Co-Trustee of the Dale E. Mathews Trust
125	Mathews, Ellen, Co-Trustee of the Dale E. Mathews Trust
143	Means, Jerry
143	Means, Ann
144	Means, Dorothy Ann, Trustee of the Dorothy Ann Means Trust
145	Means, Dorothy Ann, Trustee of the Jerry L. Means Trust
144	Means, Jerry, Trustee of the Dorothy Ann Means Trust
145	Means, Jerry, Trustee of the Jerry L. Means Trust
35	Mille Seratt Trust
12	Moss, Darrell
98	Nickel, John
6	Park Hill Plants & Trees, Inc.
132	Parker, Daniel L.
59	Posey, John T., Jr.
151	Proctor, Evelyn
153	Proctor, Phillip Dewayne
150	River Farms of Tahlequah, LLC
94	Sanders, Anna Marie
155	Secratt, Verlie B., as Trustee of the Verlie Berniece Secratt Revocable Trust
86	Shankle, Sue Eddings
109	Simpson, Billy, d/b/a Simpson Dairy
101	Skelly Ranch, Inc.
93	Smith, Robert A., Trustee of The Robert A. Smith Trust
93	Smith, Sylvia S., Trustee of The Robert A. Smith Trust
67	Snake Creek Wilderness Development, Inc.
63	Spears, Brenda A.
76	Spears, Brenda K. dba Pine Valley Cabins
63	Spears, David
76	Spears, Jack dba Pine Valley Cabins
31	Spring Hollow Feed Mill, Inc.

116	Tarrance, Elise
116	Tarrance, Willie
100	Tate, Tom
64	Thunderbird Resort, Inc.
81	Twin City Construction, Inc.
21	Watts, Helen Trustee of The Helen Watts Revocable Trust
22	Watts, Simp, Trustee of The Simp Watts Revocable Trust
108	Williams, Bobby, dba Williams Dairy
112	Williams, Christina, dba Simpson Dairy
111	Williams, Clifton, dba Williams Dairy
112	Williams, Jerry D. dba Simpson Dairy
108	Williams, Marian, dba Williams Dairy
80	Williams, Norma
80	Williams, Perry
115	Wilson, Charles W
115	Wilson, Kimberlee

2. Currently, the forgoing Third-Party Defendants are required to answer or respond to the Third-Party Complaint today, May 8, 2006.

3. This second request for enlargement of time by members of The Berry Group is sought in good faith and not for the purpose of delay. Counsel for The Berry Group need additional time within which to finalize a response to the Third-Party Plaintiffs' claims, and request an enlargement of one week, or until Monday, May 15, 2006.

4. This action is not presently set for trial and therefore granting this Motion will not delay or adversely affect any trial date.

5. Counsel for the Third-Party Plaintiffs have been contacted and do not object to the relief requested herein.

WHEREFORE, the above named members of The Berry Group of Third-Party Defendants request that this Court allow them until May 15, 2006 to file their responsive pleadings to the Third-Party Complaint.

Respectfully submitted,

s/R. Jack Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2006, I electronically transmitted a copy of this Second Unopposed Motion By Members of The Berry Group for Enlargement of Time to Respond to Third-Party Complaint to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Tim Keith Baker
Douglas L. Boyd
Vicki Bronson
Paula M Buchwald
Louis Werner Bullock
Lloyd E. Cole, Jr.
Angela Diane Cotner
John Brian DesBarres
W. A. Drew Edmondson
Delmar R. Ehrich
John R. Elrod
William Bernard Federman
Bruce Wayne Freeman
Ronnie Jack Freeman
Richard T. Garren
Dorothy Sharon Gentry
Robert W. George
Tony M. Graham
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Michael D. Graves
Thomas James Grever
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Krisann Kleibacker Lee
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James Randall Miller
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David Phillip Page
Marcus N. Ratcliff
Robert Paul Redemann
Melvin David Riggs
Randall Eugene Rose
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Robert E. Sanders
David Charles Senger
Jennifer Faith Sherrill
William Frances Smith
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Kenneth Edward Wagner
David Alden Walls

Carrie Griffith
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Theresa Noble Hill
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Kelly S. Hunter Burch
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Raymond Thomas Lay

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Sharon K. Weaver
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Gary V. Weeks
Adam Scott Weintraub
Terry Wayen West
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I hereby certify that on May 8, 2006, I served the same document by U.S. Postal Service on the following who are not registered participants of the ECF System:

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Date: May 8, 2006

s/R. Jack Freeman
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